

Assembly Bill No. 1480

Passed the Assembly September 12, 1997

Chief Clerk of the Assembly

Passed the Senate September 9, 1997

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor

└

CHAPTER ____

An act to amend Sections 21744, 21745, 22001.5, 22008, 55403, 56109, and 56161 of, and to add Sections 22037 and 55462 to, the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1480, Bordonaro. Cattle: sale: slaughter.

(1) Existing law prohibits the release of cattle from a public stockyard, public salesyard, public cattle sales market, or any other public consignment sale or private auction sale unless they are accompanied by a brand inspection certificate or by a bill of sale or certificate of sale that is issued and signed by a representative of the salesyard, as agents for the consignor.

This bill would require the bill of sale or certificate of sale to be press-numbered.

(2) Existing law prohibits a person from slaughtering any bovine animal unless the person has a slaughterer's license issued by the Bureau of Livestock Identification within the Department of Food and Agriculture. Existing law exempts a mobile slaughter operator who slaughters cattle for the owner of the cattle on the owner's premises from this licensing requirement.

This bill would, instead, require a mobile slaughter operator to register with the bureau as an unlicensed mobile slaughterer. The bill would authorize the Secretary of Food and Agriculture to cancel the registration of any unlicensed mobile slaughterer for failing to comply with specified record-keeping requirements.

(3) Existing law requires every person who is not a licensed slaughterer who slaughters cattle to keep a record of all cattle that he or she slaughters. Existing law prescribes the contents of the record.

This bill would require the record also to include the name and location of the food locker to which the



slaughtered animal is, or the slaughtered animals are, delivered for butchering.

(4) Existing law provides for the regulation and licensing of brokers, cash buyers, commission merchants, and dealers of farm products by the department. These licensees, among other things, receive farm products on consignment or sell farm products on commission.

This bill would exempt from those provisions any person engaged in the business of buying or selling cattle who is bonded under the federal Packers and Stockyards Act, 1921.

(5) Existing law prescribes criminal penalties for violations of law concerning cattle protection. By creating new crimes, this bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 21744 of the Food and Agricultural Code is amended to read:

21744. Cattle shall not be released from a public stockyard, public salesyard, public cattle sales market, or any other public consignment sale or private auction sale unless they are accompanied by a brand inspection certificate or by a press-numbered bill of sale or a press-numbered certificate of sale that is issued and signed by a representative of the salesyard, as agents for the consignor.

SEC. 1.5. Section 21745 of the Food and Agricultural Code is amended to read:

21745. The press-numbered bill of sale or press-numbered certificate of sale that is required pursuant to Section 21744 shall contain all of the following information on a form that is approved by the chief:



- (a) Date of sale.
- (b) Name and address of the buyer.
- (c) Description of each animal that is sold that includes its brands and brand location, sex, and breed of unbranded animals.
- (d) Origin and destination of the animals.
- (e) The name of the person conducting the sale.

The press-numbered bill of sale or press-numbered certificate of sale shall be kept by the seller for a period of one year after the date of sale. Any such document shall be exhibited on the demand of any peace officer or any agent of the department.

SEC. 1.6. Section 22001.5 of the Food and Agricultural Code is amended to read:

22001.5. The Legislature finds and declares that mobile slaughter operators who perform the service of slaughtering cattle for the owner of the cattle on the owner's premises are not licensed slaughterers pursuant to this chapter. However, on and after January 15, 1998, a mobile slaughter operator shall be registered with the bureau as an unlicensed mobile slaughterer pursuant to Section 22037 and is subject to Section 22008.

SEC. 2. Section 22008 of the Food and Agricultural Code is amended to read:

22008. Every person that is not a licensed slaughterer that slaughters cattle shall do all of the following:

- (a) Keep a record in a book which he or she keeps for that purpose of all cattle that are slaughtered by him or her. The record shall include the name, address, and telephone number of the person for whom the cattle are slaughtered, a full description of the cattle, including the brands and marks, the date of slaughter, and the name and location of the food locker to which the slaughtered animal is, or the slaughtered animals are, delivered for butchering.
- (b) Exhibit the record book on demand of any inspector or peace officer.
- (c) Notify a brand inspector within 24 hours if he slaughters a bovine animal and does not deliver the carcass and hide to a frozen food locker plant licensed



pursuant to Chapter 7 (commencing with Section 112500) of Part 6 of Division 104 of the Health and Safety Code.

SEC. 3. Section 22037 is added to the Food and Agricultural Code, to read:

22037. (a) A mobile slaughter operator, as provided in Section 22001.5, shall file a registration with the bureau that shows the names and addresses of the owners of the unlicensed mobile slaughterer and any other information the secretary may require.

(b) The registration shall be filed with the bureau before a mobile slaughter operator may slaughter cattle pursuant to Section 22001.5.

(c) After notice and hearing, the secretary may cancel the registration of any unlicensed mobile slaughterer for failing to comply with Section 22001.5 or 22008.

SEC. 4. Section 55403 of the Food and Agricultural Code is amended to read:

55403. "Farm product" includes every agricultural, horticultural, viticultural, or vegetable product of the soil, honey and beeswax, oilseeds, poultry, poultry product, livestock product, and livestock for immediate slaughter. It does not include timber or any timber product, milk or any milk product, any aquacultural product, or cattle sold to any person who is bonded under the federal Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 181, et seq.).

SEC. 5. Section 55462 is added to the Food and Agricultural Code, to read:

55462. For the purposes of trading in cattle, this chapter does not apply to or include any person who is bonded under the federal Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 181, et seq.) who is engaged in the business of buying or selling cattle.

SEC. 6. Section 56109 of the Food and Agricultural Code is amended to read:

56109. "Farm product" includes every agricultural, horticultural, viticultural, and vegetable product of the soil, poultry and poultry products, livestock products and livestock not for immediate slaughter, bees and apiary products, hay, dried beans, honey, and cut flowers. It does

not, however, include any timber or timber product, flower or agricultural or vegetable seed not purchased from a producer, any milk product which is subject to the licensing and bonding provisions of Chapter 2 (commencing with Section 61801) of Part 3 of Division 21, any aquacultural product, or cattle sold to any person who is bonded under the federal Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 181, et seq.).

SEC. 7. Section 56161 of the Food and Agricultural Code is amended to read:

56161. This chapter does not apply to or include any of the following:

(a) Any nonprofit cooperative association organized and operating pursuant to Chapter 1 (commencing with Section 54001), any nonprofit cooperative association organized and operating pursuant to any similar law of any other state, the District of Columbia, or the United States, or the agents of these organizations, except as to the activities of these organizations or agents that involve the handling of, or dealing in, any farm product of a nonmember of the organization.

(b) Any person or exchange that buys, receives, or otherwise handles any farm product as a processor, as defined in Section 55407.

(c) Any retail merchant who has a fixed or established place of business in this state. This exemption does not, however, apply to retail merchants who are also engaged in the business of selling, at wholesale, any farm product purchased from a licensee or producer. The exemption does not apply to any transaction wherein possession of any farm product is obtained from a licensee or producer, and the farm product is sold to another person without being handled in the regular course of a retail business which is conducted at a fixed and established place.

(d) Any person who buys any farm product for his or her own use or consumption.

(e) Any person licensed as a distributor or handler under Chapter 2 (commencing with Section 61801) of Part 3 of Division 21 who purchases farm products from a dealer, broker, or commission merchant. However, this



chapter applies to any such licensed person who purchases farm products from a producer.

(f) Any person licensed as a landscape contractor pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code.

(g) Any person, not otherwise required to be licensed pursuant to this chapter, who buys or otherwise acquires possession of any farm product from, and processed by, a nonprofit cooperative association to which subdivision (a) is applicable.

(h) For the purposes of trading in cattle, any person engaged in the business of buying or selling cattle who is bonded under the federal Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 181, et seq.).

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

Approved _____, 1997

Governor

